

REMARKS

Claims 1, 3-12, and 14-33 are pending in the application. By this Amendment, claims 1 and 12 are amended.

No new matter has been added by this Amendment, support being found on pages 18 and 28 of the originally filed application, for example.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

A. The Rejection of Claims 1, 3-12, 14-20, and 24-33 under 35 U.S.C. §103(a)

Claims 1, 3-12, 14-20, and 24-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,137,006 to Grandcolas *et al.* (“Grandcolas”) in view of U.S. Patent 5,987,454 to Hobbs. This rejection is respectfully traversed.

As recited in Section 2142 of the MPEP, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 2 USPQ2d 1438 (Fed. Cir. 1991).

On various grounds, as set forth below, Applicant submits that the Office Action fails to establish the requisite prima facie case.

Applicant has carefully considered the comments set forth in the Office Action, and in particular the comments in the "Response to Arguments" on pages 10-12 of the Action. In particular, Applicant notes the comments asserting:

Applicant's arguments filed on 02/26/2009 have been fully considered but they are not persuasive. The applicant argues in substance that the office action fails to establish a prima facie case of obviousness in combining the references. In response to applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969. In this case, Grandcolas teaches constructing an authentication token comprising profile data associated with the user - see col. 2 lines 51-53, also see col. 4 lines 30-40, and Hobbs teaches an interface having multiple frames (see col. 17 line 50 - col. 18 line 66). Thus, one of ordinary skill in the art would have been motivated to combine the teachings of Grandcolas and Hobbs in order to permit network users to have access to a large number of electronic database providers without being limited to a particular proprietary graphical user interface (GUI), entering passwords or billing information or being trained to use the query models for each Data Warehouse - this motivation can be found on col. 9 lines 20-29 of Hobbs. **The examiner contends that what are being combined are specific teachings of Grandcolas and Hobbs, and one versed in the art would evaluate these references based on the suggestion of these teachings.**

(emphasis added)

Applicant continues to traverse the rejection for the reasons as set forth in Applicant's prior response. However, in order to expedite prosecution of the application, Applicant has amended the claims to further recite particulars of the claimed invention. In particular, claims 1 and 12 are amended, as set forth above, to recite further details relating to processing of the

universal session manager and the second frame, for example. Applicant submits that amended claims 1 and 12 now clearly define over the applied art.

As set forth in Applicant's prior Response, Applicant asserted specific arguments as to why it would not have been obvious to combine the teachings of Grandcolas and Hobbs. In particular, Applicant asserted the proposed modification of Grandcolas with the teachings of Hobbs, so as to provide multiple frames, would so fundamentally change the teachings of Grandcolas, such that it would not have been obvious to do such modification. Applicant set forth reasons to support such position.

Further, and related to the above arguments, the Office Action's reliance on Grandcolas' teachings of a token, in conjunction with Hobbs' teachings of multiple frames is deficient in other respects. The token of Grandcolas allows the redirecting of the user's web browser to a second web server using the token (e.g. see Grandcolas in column 2, lines 15-46). However, the teachings of Hobbs (and those teachings relied upon in the Office Action) relate to the simultaneous connection with multiple servers (e.g. see Hobbs in column 11, lines 4-19). Thus, in addition to the motivation deficiencies, as described herein, Applicant submits that such two respective relied upon features of Grandcolas and Hobbs are **mutually exclusive**. That is, Applicant submits that such two features are simply not usable together in that there cannot be a redirecting to another site (Grandcolas) while providing simultaneous connection (Hobbs), in particular as contemplated in the 35 U.S.C. 103 rejection.

As discussed above, under 35 U.S.C. 103 the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicant submits that the rejection fails to assert such. That is, on page 3, lines 1-13, the Office Action clearly relies on Grandcolas' first web server to constitute both the claimed "host server" and the claimed "universal session

manager”. Accordingly, Applicant submits that the proffered combination fails to satisfy 35 U.S.C. 103 - in that it fails to teach each and every claim limitation. Rather, it appears that the applied art fails to teach such features, i.e., the claimed “host server” and the claimed “universal session manager” are both interpreted as being constituted by the first web server of Grandcolas. Such inappropriately minimizes Applicant’s claimed invention and cannot sustain the 35 U.S.C. 103 rejection.

Further, the Office Action’s motivation to support the alleged combination of applied art is deficient. On page 4, lines 1-6, the Office Action asserts:

... it would have been obvious to one of ordinary skill in the art to combine the teachings of Grandcolas and Hobbs to permit network users to have access to a large number of electronic database providers without being limited to a particular proprietary graphical user interface (GUI), entering passwords or billing information or being trained to use the query models for each Data Warehouse.

Such motivation is deficient. As to the motivation of “permit network users to have access to a large number of electronic database providers without being limited to a particular proprietary graphical user interface (GUI), entering passwords or billing information”, Applicant submits that such motivation does not support the rejection in that Grandcolas already teaches such features. That is, it would not have been obvious to modify Grandcolas based on motivation to include features, where Grandcolas already includes such features.

Further, as to the motivation of “permit network users to have access to a large number of electronic database providers without ... being trained to use the query models for each Data Warehouse”, Applicant submits that it is fully unclear how the proposed combination would even provide such benefit.

As a further note, Applicant asserts that claim 1 does not simply set forth the general

concept of using a first frame and a second frame. Rather, claim 1 of the present application sets forth various particulars of such displayed frames, e.g., “providing links to the accounts in a first frame of the interface” and “provides access to the remote server, by hosting the remote server in a second frame of the interface.” Hand in hand with such features, claim 1 recites an interrelationship of such utilization of multiple frames vis-à-vis the processing of the universal session manager and the validation module.

Applicant notes that M.P.E.P. 707.07(f) “Answer All Material Traversed” instructs the Examiner to clearly explain the Examiner’s reasoning when responding to a traversal: “In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” The same section of the M.P.E.P. specifies the form of such an explanation: “The examiner must address all arguments which have not already been responded to in the statement of the rejection[2]...In bracket [2], *provide explanation as to non-persuasiveness.*” Therefore, entirely ignoring the arguments presented in traversal, or merely stating that the arguments are not persuasive, is not an adequate response to Applicant’s traversal. These guidelines for responses to Applicant’s arguments should be taken into consideration in many of the following discussions.

Applicant respectfully submits that such guidelines have not been satisfied by the present Office Action. Applicant’s arguments, as set forth above and in the prior response, go to the incompatibility of the applied art, and more particularly, to the incompatibility of the authentication tokens used by Grandcolas and the multiple frames, as taught by Hobbs. In general, Applicant sets forth specific reasons why the 35 U.S.C. 103 rejection is deficient.

However, in response the Office Action merely sets forth rather general assertions on

page 10, lines 3-22 which fail to address the particular asserted deficiencies discussed by Applicant.

As set forth in M.P.E.P 706.02(j), 35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to **modify a single reference** or to combine it with one or more other references. M.P.E.P 706.02(j) indicates that after indicating that the rejection is under 35 U.S.C. 103, the Examiner should set forth in the Office Action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

M.P.E.P 706.02(j) references the well known requirements of *Graham v. John Deere*. Further, M.P.E.P 706.02(j) notes that it is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the Applicant can be given fair opportunity to reply.

As set forth above, on page 10, lines 20-22, the Office Action asserts:

... The examiner contends that what are being combined are specific teachings of Grandcolas and Hobbs, and one versed in the art would evaluate these references based on the suggestion of these teachings.

Applicant submits that the above assertion reflects an inappropriate analysis under 35 U.S.C. 103. Indeed, such assertion appears to reflect the Office Action's analysis of picking and choosing features of Grandcolas and Hobbs without taking into account the totality of the

teachings of the applied art, i.e., at least of the primary reference to Grandcolas which is to be modified under the Graham v. John Deere analysis set forth above.

For at least these above reasons, claim 1 is not taught or suggested by the applied art. Applicant submits that claim 12 is allowable for similar reasons. The dependent claims are allowable at least for the reasons set forth above, as well as for the additional features such dependent claims recite.

In particular, claim 32 recites:

32. (Previously presented) The method of claim 12, the first frame is maintained by the host server, and the second frame is maintained by a remote server providing services; and

wherein the transmitting said data to the at least one remote server includes the host server directly sending login information to the at least one remote server, the login information including a customer username and password.

Applicant submits that the arrangement set forth in the Office Action (to allegedly reject claim 32) is simply mutually exclusive to the utilization of Grandcolas' token, which is indeed relied upon in the rejection. Clarification is appropriate.

Withdrawal of the rejection under 35 U.S.C. 103 is requested.

B. The Rejection of Claims 21-24 under 35 U.S.C. §103

Claims 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grandcolas in view Hobbs, as applied to claim 12 above, and further in view of U.S. Patent 5,815,665 to Teper *et al.* ("Teper").

Since claims 21-24 are dependent on allowable independent claim 12, and since Teper does not cure the deficiencies of the combination of Grandcolas and Hobbs, claims 21-24 are allowable as well. Therefore, the undersigned representative will not address the arguments with

respect to these claims and reserves the right to address these arguments at a later time.

Withdrawal of the rejection of claims 21-24 is requested.

C. Conclusion

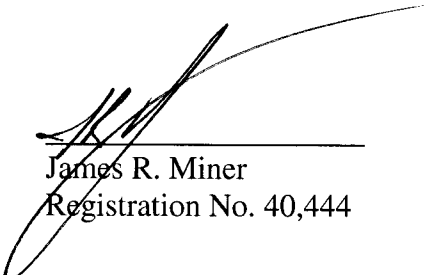
The foregoing is submitted as a full and complete Response to the Office Action, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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